

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

KENNETH L. WALLER,
ADC #103829

PLAINTIFF

v. No. 5:13CV00030 JLH/JTR

LORIE A. TAYLOR; and
RANDY BUDNIK; Disciplinary Hearing
Officers, Arkansas Department of Correction

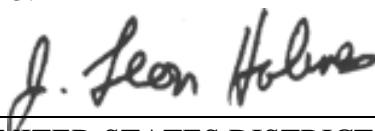
DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the proposed findings should be, and hereby are, approved and adopted as this Court's findings. For the reasons stated by Judge Ray, the complaint filed by Kenneth L. Waller fails to state a claim upon which relief may be granted. Waller has recommended that he be given an opportunity to amend the complaint, however, and the Court grants that request. Waller's initial complaint is dismissed without prejudice. Waller must submit an amended complaint that states a claim upon which relief may be granted within 30 days from the entry of this Order. Failure to do so will result in the dismissal of this action with prejudice.

This action is again referred to United States Magistrate Judge Ray for disposition or recommended disposition, as appropriate, of all pretrial matters.

IT IS SO ORDERED this 17th day of May, 2013.



UNITED STATES DISTRICT JUDGE